

**LOBSTER POT**  
“A Provincetown Tradition”  
*Harborside at 321 Commercial Street*  
*PO Box 1367*  
*Provincetown MA 02657*  
*Phone: 1-508-487-0842*  
*Fax: 1-508-487-4863*  
*Email: info@ptownlobsterpot.com*  
*www.ptownlobsterpot.com*

## *Sexual Harassment Policy*

### **1. Introduction**

As an employer, it is the goal of the Clambake, Inc., dba Lobster Pot Restaurant, to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful and will not be tolerated by the Lobster Pot.

In addition, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

To achieve our goal of providing a workplace free of sexual harassment, the conduct that is described in this policy will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

The standards governing the prohibition of sexual harassment and sex discrimination in the workplace are set forth in Massachusetts General Laws chapter 151B.

### **2. Definition of Sexual Harassment**

In Massachusetts, sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis of employment decisions
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexual offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the previous examples, other sexually oriented conduct, **whether it is intended or not**, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to female, male or gender non-conforming workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are examples of conduct, which if unwelcome, may constitute sexual harassment depending on the totality or the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, involving physical touching or not.
- Sexual jokes, epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment on an individual's sexual activity, deficiencies or prowess.
- Displaying sexually suggestive pictures, objects, cartoons.
- Sexually explicit voice mail, email, graphics, downloaded material or websites
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Enquires into an individual's sexual experiences.
- Discussion of an individual's sexual activities.

### **3. Types of Sexual Harassment**

There are two types of sexual harassment: "quid pro quo" and "hostile work environment" harassment. They may occur independently or concurrently.

- Quid Pro Quo harassment: sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or basis for employment decisions.
- Hostile Work Environment Harassment: sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Examples of conduct that might create a hostile work environment include: sexual jokes, epithets, gossip, displaying sexually suggestive pictures and objects, leering, whistling, requests for sex. Harassing conduct need not be motivated by sexual desire in order to constitute sexual harassment.

### **4. Complaints of Sexual Harassment**

If you believe that you have been subjected to sexual harassment you have the right to file a complaint. The complaint may be submitted in writing or orally.

Additionally, if you are a witness to sexual harassment and personally offended by such conduct you have the right to file a complaint.

Complaints may be submitted to either or both of the following:

1. Rita Speicher, Human Resource Manager

work: 508-487-0842

cell: 508-776-1294

[rita@ptownlobsterpot.com](mailto:rita@ptownlobsterpot.com)

2. Tim McNulty, COO

work: 508-487-0842

cell: 508-237-5083

[tim@ptownlobsterpot.com](mailto:tim@ptownlobsterpot.com)

The complaint will be kept as confidential as possible, but it may not be possible to withhold the complainant's identity from the alleged harasser.

Any form of retaliation attempted against the complainant will not be tolerated.

An expeditious, fair and neutral investigation into the allegations will be conducted. The investigation will include interviews of complainant, alleged harasser, witnesses and individuals having knowledge of the circumstances. The interviews will be conducted in a way that best as possible protects the privacy of all to the extent practicable under the circumstances. There can be no promise of absolute confidentiality because such promise may obstruct the ability to conduct a fair and thorough investigation. Each interviewee will be informed that the investigation is confidential and should not be discussed with co-workers. Additionally, they will be informed that the Lobster Pot will not tolerate any retaliation against the complainant or anyone else who cooperates with the investigation.

When the investigation is completed, the complainant and the person alleged to have committed the behavior will be informed of the results, to the appropriate extent.

## **5. Disciplinary Action**

If it is determined that sexual harassment has occurred the Lobster Pot will act quickly to eliminate the offending conduct. If it is determined that an employee has engaged in sexual harassment, remedial action will be taken. Such action may range from counseling to termination, and may include other forms of disciplinary measures.

## **6. State and Federal Remedies.**

In addition to the above, you may also file a complaint with either or both of these agencies. Using the Lobster Pot process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time for filing a claim that is listed with their contact information below. Interference with or obstruction of any investigation conducted by MCAD or EEOC is prohibited.

### **MCAD (Massachusetts Commission Against Discrimination)**

One Ashburton Place, Room 601. Boston, MA 02108. 617-994-6000

Time period for filing a claim: 300 days

### **EEOC (United States Equal Employment Opportunity Commission)**

John F. Kennedy Federal Building, 475 Government Center. Boston 02203. 800-669-6820

Time period for filing a claim: 300 days

**LOBSTER POT**

*"A Provincetown Tradition"*

*Harborside at 321 Commercial Street*

*PO Box 1367*

*Provincetown MA 02657*

*Phone: 1-508-487-0842*

*Fax: 1-508-487-4863*

*Email: info@ptownlobsterpot.com*

*www.ptownlobsterpot.com*

By signing below, I acknowledge that I have read, understand, and agree to abide by the provisions set forth in the Sexual Harassment Policy for employees of Clambake, Inc. dba, Lobster Pot Restaurant.

Please keep the policy and return this signed page to either Rita Speicher or Walt Winnowski

---

Print Name

---

Sign Name

---

Date

